

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA,

Petitioner,

v.

STEVEN R. HOLDER,

Respondent.

Civil No. 3:10-cv-627

**UNITED STATES' PETITION TO ENFORCE
INTERNAL REVENUE SERVICE SUMMONS**

The United States of America brings this Petition to Enforce Internal Revenue Service Summons and states as follows:

1. This is an action to enforce Internal Revenue Service summonses issued to Steven R. Holder.
2. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1340 and 1345 and 26 U.S.C. §§ 7402(b) and 7604(a).
3. This action is brought at the request and with the authorization of the Chief Counsel for the Internal Revenue Service, a delegate of the Secretary of the Treasury, and at the direction of the Attorney General of the United States under 26 U.S.C. § 7401.
4. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(1) and (2) and 26 U.S.C. § 7604(a), in that Steven R. Holder resides, is found and/or conducts business or maintains records in this judicial district.

5. Steven R. Holder is a natural person who resides at 1211 Mt. Hermon Road, Midlothian, Virginia 23112, within this judicial district and division. See Declaration of Nazih S. Bazzi (Bazzi Dec.), ¶¶ 3-4; Exhibit 1.

6. Nazih S. Bazzi, who issued the Internal Revenue Service summons herein, is a duly commissioned Revenue Officer employed in the Small Business/Self-Employed Division of the Internal Revenue Service at Richmond, Virginia and is authorized to issue Internal Revenue Service summonses. Bazzi Dec., ¶ 1.

7. In his capacity as a revenue officer, Revenue Officer Bazzi is conducting an investigation into the collection of the income tax liabilities of Steven R. Holder for the tax years ending December 31, 2005; December 31, 2006; December 31, 2007; and December 31, 2008. Bazzi Dec., ¶ 2.

8. In furtherance of the above investigation into the collection of the income tax liabilities of Steven R. Holder, and under 26 U.S.C. § 7602, Revenue Officer Bazzi issued on May 11, 2010, an administrative summons-- Internal Revenue Service Form 6637-- to Steven R. Holder to give testimony and to produce for examination books, papers, records, or other data as described in said summons. The summons directed Steven R. Holder to appear before Revenue Officer Bazzi on May 28, 2010 at 9:00 a.m. and provide various documents and records. A true and correct copy of the summons is attached to the Bazzi Declaration as Exhibit 1. Bazzi Dec., ¶ 3.

9. In accordance with Section 7603(a) of the Internal Revenue Code (26 U.S.C.), Revenue Officer Bazzi served an attested copy of the summons described in paragraph 8 above on the respondent, Steven R. Holder, by personal hand delivery, on May 12, 2010, as evidenced

in the certificate of service on the reverse side of the summons. Bazzi Dec., ¶ 4; Exhibit 1 (2nd page).

10. On May 28, 2010, the date on which the respondent was required to comply with the summons, the respondent failed to appear, testify or produce records which were demanded by the summons, and this failure continues to the date of this petition. Bazzi Dec., ¶ 5.

11. On June 30, 2010, the Service's counsel sent a letter to the Respondent's attorney, Rewaq M. Najor, a letter noting that the Respondent "did not comply with the provisions of the summons served on him on May 12, 2010," and that "[l]egal proceedings may be brought against your client . . . for not complying with this summons." The letter concluded by offering the Respondent an opportunity "[t]o avoid such proceedings" by appearing before the Revenue Officer on July 19, 2010 at 10:00 a.m. The respondent, Steven R. Holder, did not appear for the scheduled meeting. Bazzi Dec., ¶ 6.

12. The summoned information is in the possession of the summoned party, and is not already in the possession of the Service. The summoned information is necessary in order to effectuate the collection of the income tax liabilities of Steven R. Holder for the years 2005, 2006, 2007, and 2008. Bazzi Dec., ¶ 7.

13. As of the date of this Petition to Enforce Internal Revenue Service Summons, there has not been a referral, pursuant to 26 U.S.C. § 7602(d)(2) to the Department of Justice for the tax years at issue. In other words, the Service has not made a recommendation to the Department of Justice for a grand jury investigation or criminal prosecution of Steven R. Holder for the tax years under investigation. The Service is not delaying a recommendation to the Department of Justice in order to collect additional information on Steven R. Holder. The Department of Justice

also has not made any request under 26 U.S.C. § 6103(h)(3)(B) for the disclosure of any return or return information (as those terms are defined in 26 U.S.C. § 6103(b)) relating to Steven R.

Holder. Bazzi Dec., ¶ 8.

14. As of the date of this Petition to Enforce Internal Revenue Service Summons, the liabilities for tax years 2005, 2006, 2007, and 2008 have not been collected. Bazzi Dec., ¶ 9.

15. All administrative steps required by the Internal Revenue Code for the issuance of summons have been taken. Bazzi Dec., ¶ 10.

WHEREFORE, petitioner, the United States of America, requests that the Court:

A. Enter the attached Order directing the respondent to show cause why he should not be compelled to comply with the Internal Revenue Service summons served upon him forthwith;

B. Enforce the summons issued to Steven R. Holder, requiring complete compliance with the summons and specifically directing the summoned party to obey the summons served upon him and ordering his attendance and testimony and the production of the books, records, papers and other data as required by the terms of the summons before Revenue Officer Bazzi or any authorized officer of the Internal Revenue Service at such time and place as may be fixed by Revenue Officer Bazzi or any authorized officer of the Service;

C. Enter a final judgment and enforcement order;

D. Award the United States its costs; and


E. Grant such other and further relief as is just and proper.

DATED: September 2, 2010

Respectfully submitted,

NEIL H. MACBRIDE
United States Attorney

By:

A handwritten signature in black ink, appearing to read "Robert P. McIntosh", is written over a horizontal line.

Robert P. McIntosh
Virginia Bar Number 66113
Attorney for the United States of America
United States Attorney's Office
600 East Main Street, Suite 1800
Richmond, Virginia 23219
Telephone: (804) 819-5400
Facsimile: (804) 819-7417
Email: Robert.McIntosh@usdoj.gov